

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

LAWRENCE G. WAYBURN,

Plaintiff,

v.

Case No. 2:08-cv-003
HON. R. ALLAN EDGAR

IRON COUNTY COMMUNITY
HOSPITALS, INC.,

Defendant.

REPORT AND RECOMMENDATION

This case was originally filed in the 41st Circuit Court of Iron County and was removed to this Court on January 4, 2008. A review of the pleadings in this matter establish that this case was improvidently removed. Defendant Iron County Community Hospitals, Inc., is a citizen of the State of Michigan and, pursuant to 28 U.S.C. § 1441(b), this case cannot be removed. Accordingly, it is recommended that this case be REMANDED to the 41st Circuit Court of Iron County.

NOTICE TO PARTIES: Objections to this Report and Recommendation must be served on opposing parties and filed with the Clerk of the Court within ten (10) days of receipt of this Report and Recommendation. 28 U.S.C. § 636(b)(1)(C); Fed. R. Civ. P. 72(b); W.D. Mich. LCivR 72.3. Failure to file timely objections constitutes a waiver of any further right to appeal. *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981). See also *Thomas v. Arn*, 474 U.S. 140 (1985).

/s/ Timothy P. Greeley

TIMOTHY P. GREELEY
UNITED STATES MAGISTRATE JUDGE

Dated: March 3, 2008